

HOUSE BILL 3242  
By Cochran

AN ACT to amend Tennessee Code Annotated, Title 17,  
Chapter 2, Part 1, relative to the disqualification of  
judges under certain circumstances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 17-2-101, is amended by designating  
the existing language as subsection (a) and by adding the following new subsection (b):

(b)

(1) If a civil action is filed against a governmental entity or official in the  
judicial district in which the judge serves, if the judge is of the opinion that  
disqualification from hearing such action may be required or warranted either  
under this section or Rule 10, Canon 3(E) of the Rules of the Supreme Court, the  
judge shall make such disqualification determination within thirty (30) days of the  
date the action is filed or the date the action is assigned to the judge, whichever  
is later.

(2) If the judge determines disqualification in such action is not required  
or warranted, the judge, within such thirty-day period, shall notify the parties of  
record and tell them of such judge's decision not to disqualify from hearing the  
action. Unless either party objects to the judge's decision not to disqualify, the  
action shall proceed.

(3) Nothing in this section shall be construed to affect any grounds for  
disqualification of the judge that may arise during the course of hearing and  
determining the action. Motions to disqualify in those instances shall continue to  
be determined as provided by law.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.